

REMARKS

This amendment is responsive to the official action of Paper No. 5, and effects the changes to the application discussed at the examiner interview of September 12, 1994. In the official action, allowable subject matter was indicated as to claims 9-13, 15, 20-24, 28 and 38-44. The claims other than claims 14-35 were considered to lack enabling disclosure in the Specification under 35 USC §112 (1st ¶) as to the receiver, memory means and processor, as recited in claims 1, 11 and 36; and the switch means recited in claim 37. Claims 1, 9, 28 and 36 were considered indefinite under 35 USC §112 (2nd ¶) due to a lack of antecedent basis for "the information units" or due to certain phrases that were considered unclear for reasons mentioned in the official action.

The claims have been amended to more particularly and distinctly define the subject matter of the invention. Each of the matters to which the examiner refers has been addressed. The claims as amended are definite. Reconsideration and withdrawal of the rejection under 35 USC §112 (2nd ¶) are requested.

Two independent claims have been added, and the fee for two additional independent claims is submitted. Also filed concurrently are an extension under 37 CFR §1.136(a) and the required fee, and a proposal for correction of the drawings. The proposal for correction of the drawings seeks approval to add two figures for routinely illustrating the transmitter, means for inserting, receiver, memory, input means, comparing means and processing means (claims 1 and 36) and the transmitting, encoding, receiving, comparing and processing steps (claim 14). The proposed drawing are supported by the disclosure. No new matter is presented.

With respect to the rejection under 35 USC §112 (1st ¶), and as discussed at the examiner interview, the Specification has been amended to provide clear support for the claimed subject matter. In particular, the language of the claims has been copied into the Specification. No new matter is presented.

At the interview, applicant provided the examiner with copies of technical articles showing that the specific hardware elements and interconnections needed to practice the disclosed invention would have been within the level of ordinary skill in the art without undue experimentation, provided the person of ordinary skill sought to proceed as discussed in applicant's disclosure. The articles presented, namely "Advances in Teletext Decoder Design" - Tarrant, 1989, and "Using Extensions to World System Teletext" - Kingborn et al., 1985, disclose set-top decoder devices having processors, memory and the like. However prior to applicant, the person of ordinary skill had been unable to apply such hardware devices to employ variable location designation codes in the broadcast data, to be compared against variable location selection codes determined at the set-top unit, for filtering out location dependent information of interest to the user. This aspect of the invention is particularly claimed, and is supported by an enabling disclosure. Reconsideration and withdrawal of the rejection under 35 USC §112 (1st ¶) are therefore requested.

Claims 1-8, 14, 17, 19, 25, 33, 35-37 were rejected as anticipated by Wachob; claims 14, 16-18, 25-27, 29-35 as anticipated by Kauffmann; and claims 14, 17, 34 as anticipated by Permut. The claims have been amended to make clear that both location designation codes (associated with the transmitted messages) and location selection codes (determined at the receiver) are involved, and both the location designation codes and the location specification codes are variable codes rather than addressed communications to a predetermined subset of subscribers, e.g., known to be at a certain location. This aspect of the invention provides advantages that are not at all apparent from the prior art. The prior art references fail to disclose or suggest an arrangement wherein there are two variable location definitions, one associated with the messages and another associated with the user's receiver, such that a processor can determine overlap as a means to select messages of interest for processing. For the reasons discussed at the examiner interview, the amended claims were thus considered to distinguish over the prior art of record.

Briefly, in view of the designation and selection codes, both of which are variable, the broadcaster need not know subscriber locations or what might interest any particular class of subscribers. A subscriber can move or be interested in a location other than his or her

current location. Messages can be selected and rejected based on widely variable location overlap situations relative both to designation code and the selection codes.

In Wachob, whose primary concern is demographics (age and gender), the broadcaster decides which of a number of simultaneously transmitted commercials are appropriate for the viewers in each class at any given time. Mention is made that location is a possible way to discriminate one class of consumers from another (e.g., for selecting ethnic classes by neighborhood concentration). However, the broadcaster must know what classes of people occupy what locations; the broadcaster defines what is of interest to those classes; and there is no possibility for variation at the user's option. Thus at col. 6, line 15-17, Wachob discusses "*known* address/neighborhood locations or *known* ethnic locations" The users are not capable of selection or rejection of messages or information on a set-by-set basis.

The examiner pointed out at the interview that Wachob's controller (see Fig. 2) has switch controls enabling the user to identify himself or herself as an adult or child, male or female, and that this is a form of selection. Applicant agrees that a user can make such selections, and might choose to mis-identify his or her age and gender in order to view commercials that the broadcaster intended for persons of a different age or gender. Nevertheless, the broadcaster has decided and assigned the commercial messages to the users of the identified selection class. Insofar as Wachob mentions location (e.g., of neighborhoods), this is an alternative to user selection and is not variable as claimed, for comparison with a designation code associated with messages. Variable selection by location, using two variable codes which may overlap, is neither disclosed nor suggested. In fact, variable selection would defeat Wachob's intent of allowing the broadcaster to direct predetermined messages to selected groups of users.

Kauffmann does not provide the missing teachings. Kauffmann's subscribers are preliminarily *assigned* to appropriate message groups. The broadcaster knows who is in which group(s). The broadcaster *decides* what will be interesting to which group and forces the group to view what the broadcaster wants them to view. No potential to check for overlap of variable location designations and selections is disclosed or suggested. The messages are simply routed to a chosen subset of customers. Even assuming, *arguendo*, that

Kauffmann could be used for location groups, no potential is provided or suggested for a subscriber to vary the group assignment (or in connection with location to select a location other than his assigned or known home location). Instead, as shown by addressable data receiver in Kauffmann's Fig. 2, decisions are made by the broadcaster who directs messages to the subscribers that the broadcaster chooses to address.

Permut teaches a disaster warning system that transmits encoded "wake-up" signals to receivers in areas selected by the broadcaster. As in the other prior art, the broadcaster decides who needs to be alerted and the selection decision is wholly up to the broadcaster. As in Wachob and Kauffmann, there is no possibility to determine a location designation from the broadcast signal or to match variable location designations against a variable selection code.

Insofar as the prior art teaches anything about location, users all are assumed to be at an invariable known home location. All messages directed to them assume that their home location is the only location of interest. No variation of designations and specifications are taught by the prior art. However as explained in applicant's disclosure, providing both a designation code associated with the broadcast and a selection code for the receiver by which broadcast information can be filtered, enables a wide variety of useful selections. With appropriate location coding, preferably with some content-based selection criteria as well, a user can filter information for example, for "all brush fires within two miles of route 99 to Yorba Linda;" or "the closest flower shop to my mother's house;" or "all pizza shops whose delivery zone encompasses the local high school;" or "all patent lawyers whose offices are within walking distance of a Metro stop;" and so on. The possibilities substantially exceed anything disclosed or suggested in the prior art.

The claims as amended particularly and distinctly define the subject matter of the invention and are definite and patentable over the prior art of record. The differences between the invention and the prior art are such that the subject matter claimed as a whole would not have been known or obvious to a person of ordinary skill in the art. Applicant is pleased to note that the examiner agrees that the amendment overcomes the rejections under

Sections 112 and 102. The application has been corrected for formal matters. Further consideration and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Stephan P. Gribok
Registration No. 29,643
ECKERT SEAMANS CHERIN & MELLOTT
1700 Market Street, Suite 3232
Philadelphia, PA 19103
Telephone 215/575-6022

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